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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,730	12/04/2003	Daniel J. Daily	4366-149	1751

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EXAMINER
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ART UNIT	PAPER NUMBER
2136	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/728,730	DAILY ET AL.
	Examiner	Art Unit	
	Pramila Parthasarathy	2136	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *13 December 2004*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-31* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-31* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *04 December 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/4/2003*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   This action is in response to the communication 12/13/2004. No preliminary

amendments to the claims were filed. Claims 1 – 31 are currently pending.

Information Disclosure Statement

2.   An initialed and dated copy of Applicant's IDS form 1449 is attached to the Office

action.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3.   Claims 1 – 31 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 11 of U.S. Patent No. 6,374,261. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant case, all elements of claims 1 – 31 correspond to the claims of 1 – 11 of the patent claims, except in the instant claims the elements "a plurality of parsers operable to parse an input stream, each parser corresponding to a unique input structure; and a parser selection agent operable to receive the input stream and select a subset of the plurality of parsers to parse the input stream", are referred in the patent claims as "analyzing the information of the identified types by executing an intelligent filter that uses heuristics to identify therein items of information for storage in the knowledge database; a plurality of predefined types of information .." and "checking an identified item of information for consistency between a plurality of identified types of information". It would have been obvious to one having ordinary skill in the art to recognize that "parsing an input stream, wherein each parser corresponding to a unique input structure" is equivalent to "analyzing the information of the identified types by an intelligent filter that uses heuristics to identify therein items of information for storage".

       Claims of the instant application are anticipated by patent claims in that the patent claims contains all the limitations of the instant application. Claims of the instant application therefore is not patentably distinct from the earlier patent claims and as such are unpatentable for obvious-type double patenting *(In re Goodman (CAFC) 29 USPQ2d 2010 (12/3/1993).*

Drawings

4.   Figure 1 should be designated by a legend such as --Prior Art-- because only

that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in

compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid

abandonment of the application. The replacement sheet(s) should be labeled

"Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct

any portion of the drawing figures. If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office

action. The objection to the drawings will not be held in abeyance.

Claim Objections

5.   Claims 9 and 10 are objected to under 37 CFR 1.75(c), as being of improper

dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s)

in proper dependent form, or rewrite the claim(s) in independent form. Claim 8 step d

recites "performing at least one of (i) and (ii)". Claim 9 does not further limit claim 8 as

substep d(i) is performed is already recited in claim 8 and Claim 10 does not further limit

claim 8 as substep d(ii) is performed is already recited in claim 8.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1 – 31 are rejected under 35 U.S.C. 102(e) as being anticipated by

Johnson (U.S. Publication Number 2002/0141449).

7.   As per Claim 1, Johnson teaches "a plurality of parsers operable to parse an

input stream, each parser corresponding to a unique input structure; and

a parser selection agent operable to receive the input stream and select a subset

of the plurality of parsers to parse the input stream (Summary and Paragraph [0037 –

0044])".

8.   As per Claim 8, Johnson teaches " (a) receiving an input stream, the input stream

comprising information defined by at least first and second input structures; (b)

providing at least a portion of the input stream to at least one of a plurality of

parsers; (c) receiving output from each of the at least one of a plurality of parsers

(Summary and Paragraph [0037 – 0044]); and

(d) performing at least one of: (i) selecting a firstOutput from a first parser that

corresponds to the first input structure and a second output from a second parser that

corresponds to the second input structure; and (ii) selecting a first parser corresponding

to the first input structure to parse one or more first segments of the input stream and a

second parser corresponding to the second input structure to parse one or more second

segments of the input stream (paragraph [0044, 0047 – 0050 and 0120])".

9.   As per Claim 23, Johnson teaches "receiving a stream of information, the stream

being generated by one of a plurality of possible different computational sources,

wherein each computational source generates a stream corresponding to a unique input

structure; comparing at least a portion of the stream with a set of tokens to provide a

subset of tokens identified in the at least a portion of the stream (Summary and

Paragraph [0037 – 0044]),

        heuristically identifying, from among at least one of a plurality of possible input

structures and a plurality of possible computational sources, at least one of an input

structure corresponding to the at least a portion of the stream and a computational

source for the at least a portion of the stream (paragraph [0044, 0047 – 0050 and

[0120]), and

        parsing the stream based on the identified at least one of an input structure and

computational source (paragraph [0047 – 0050 and 0120])".

10.   As per Claim 28, Johnson teaches "an input operable to receive a stream of

information, the stream being generated by one of a plurality of possible different

computational sources, wherein each computational source generates a stream

corresponding to a unique input structure, and a parser operable to (a) compare at least

a portion of the stream with a set of tokens to provide a subset of tokens identified in the

at least a portion of the stream (Summary and Paragraph [0037 – 0044]);

(b)heuristically identify, from among at least one of a plurality of possible input

structures and a plurality of possible computational sources, at least one of an input

structure corresponding to the at least a portion of the stream and a computational

source for the at least a portion of the stream (paragraph [0044, 0047 – 0050 and

[0120]); and

(c) parse the stream based on the identified at least one of an input structure and

computational source (paragraph [0047 – 0050 and 0120])".

11.   As per Claim 2, Johnson teaches "wherein the input Stream comprises a plurality

of differing input structures (Paragraph [0049])".

12.   As per Claim 3, Johnson teaches "wherein the parser selection agent and

plurality of parsers are configured in a factory pattern (Paragraph [0049])".

13.   As per Claim 4, Johnson teaches, "wherein the parser selection agent is

operable to provide to a client, in response to a parse request, at least one of a parser

output and an indication when at least some of the input stream is not successfully

parsed (Paragraph [0049 – 0051])".

14.   As per Claim 5, Johnson teaches "wherein the parser selection agent is operable

to provide to a client, in response to a parse request, an error message when the parser

selection agent is unable to identify one of the plurality of parsers to parse at least some

of the input stream and/or when the parser selection agent is able to identify more than

one of the plurality of parsers to parse at least some of the input stream (Paragraph

[0049 – 0051])".

15.   As per Claim 6, Johnson teaches "wherein the input stream comprises fault

information, the fault information being related to at least one of an alarm and an error,

the fault information comprising first fault information related to a first event and in a first

format and second fault information related to a second event discrete from the first

event and in a second format different from the first format and further comprising: an

encoding agent operable to convert the first and second' formats to a common format

(Paragraph [0049 – 0051])".

16.   As per Claim 9, Johnson teaches "wherein substep d(i) is performed (Paragraph
[0049])".

17.   As per Claim 10, Johnson teaches "wherein substep d(ii) is performed

(Paragraph [0049])".

18.   As per Claim 11, Johnson teaches "wherein each of the plurality of parsers

corresponds to a unique set of grammars used by the respective parser when a parse is

performed (Paragraph [0049])".

19.   As per Claim 12, Johnson teaches "identifying one or more tokens in the input

stream; and based on the identified one or more tokens, selecting the at least one of a

plurality of parsers (Paragraph [0044])".

20.   As per Claim 13, Johnson teaches "determining for each of the at least one of a

plurality of parsers whether a match or a no match condition exists (Paragraph [0045])".

21.   As per Claim 16, Johnson teaches "wherein the first parser produces a first

output and the first output is a parse tree and further comprising: recursively evaluating

at least some of the nodes in the parse tree to identify nodes requiting additional

parsing (Paragraph [0044 – 0045])".

22.　As per Claim 17, Johnson teaches "wherein the first parser produces a first output and the first output is a parse tree and further comprising: recursively examining at least some of the nodes in the parse tree to identify nodes of interest to a client (Paragraph [0049 – 0051])".

23.　As per Claim 18, Johnson teaches "wherein the first parser produces a first output and the first output is a parse tree and wherein at least first and second nodes of the parse tree have differing formats and further comprising: iteratively traversing a plurality of the nodes of the parse tree to locate nodes of interest, the nodes of interest comprising the first and second nodes; and converting each of the located nodes of interest to a standard format (Paragraph [0044 – 0051])".

24.　As per Claim 20, Johnson teaches "wherein each of the plurality of parsers corresponds to a unique set of tokens and grammar rules (Paragraph [0049])".

25.　As per Claim 21, Johnson teaches "wherein each of the plurality of parsers corresponds to a unique set of attribute grammars (Paragraph [0049])".

26.　As per Claim 22, Johnson teaches "A computer readable medium containing instructions to perform the steps of Claim 8 (Paragraph [0049])".

27.　As per Claim 24, Johnson teaches "wherein each of the tokens has a corresponding method expressing a set of syntactical and/or semantical relationships relating to the respective token and wherein the heuristically identifying step comprises: for each token in the subset of tokens, invoking a corresponding method (paragraph [0044, 0047 – 0050 and [0120])".

28.   As per Claim 26, Johnson teaches "herein a parser performing the steps of Claim 20 is not provided with a flag external to the input stream to identify or assist in the identification of the at least one of an input structure corresponding to the at least a portion of the stream and a computational source for the at least a portion of the stream (paragraph [0044, 0047 – 0050 and [0120])".

29.   As per Claim 27, Johnson teaches "A computer readable medium containing instructions to perform the steps of Claim 23 (paragraph [0044])".

30.   As per Claim 29, Johnson teaches "wherein each of the tokens has a corresponding parser expressing a set of syntactical and/or semantical relationships relating to the respective token and wherein the parser is further operable, for each token in the subset of tokens, to (d) to invoke a corresponding method (paragraph [0044, 0047 – 0050 and [0120])".

31.   As per Claim 31, Johnson teaches "wherein the parser is not provided with a flag external to the input stream to identify or assist in the identification of the at least one of an input structure corresponding to the at least a portion of the stream and a computational source for the at least a portion of the stream (paragraph [0044 and [0120])".

32.   As per Claim 7, Johnson teaches "wherein the first and second fault information uses different characters to refer to a same type of event and the encoding agent is further operable to convert the different characters to a common set of characters to refer to the event (paragraph [0047 – 0050])".

33.   As per Claim 14, Johnson teaches "wherein a third parser successfully parses a first portion of the input stream to form a third output and the first parser successfully parses the first portion of the input stream to form a first output and further comprising: determining which of the first and third outputs most likely corresponds to the first portion (paragraph [0044, 0047 – 0050])".

34.   As per Claim 19, Johnson teaches "wherein each of the first and second nodes use different characters to refer to a same type of event and further comprising: converting the characters in the first and second nodes to a common set of characters to refer to the type of event (paragraph [0047 – 0050])".

35.   As per Claim 25, Johnson teaches "wherein the invoking step comprises assigning a set of flags a corresponding set of values depending on the presence or absence of a syntactical and/or semantical relationship; and wherein the values of the flags are used to heuristically identify the at least one of an input structure corresponding to the at least a portion of the stream and a computational source for the at least a portion of the stream (paragraph [0044, 0047 – 0050 and [0120])".

36.   As per Claim 30, Johnson teaches "wherein the parser is further operable to (e) assign a set of flags a corresponding set of values depending on the presence or absence of a syntactical and/or semantical relationship, wherein the values of the flags are used to heuristically identify the at least one of an input structure corresponding to the at least a portion of the stream and a computational source for the at least a portion of the stream (paragraph [0044, 0047 – 0050 and [0120])".

37.   As per Claim 15, Johnson teaches, "wherein the determining step is performed using a least squares fit analysis (paragraph [0047 – 0050])".

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892.

Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure. If applicants are aware of any better prior art than those are cited, they are required to bring the prior art to the attention of the examiner.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Pramila Parthasarathy whose telephone number is 571-

272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts

to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Nasser Moazzami can be reached on 571-232-4195. Any inquiry of a general nature or

relating to the status of this application or proceeding should be directed to the

receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR only. For more

information about the PAIR system, contact the Electronic Business Center (EBC) at

866-217-9197 (toll-free).

Pramila Parthasarathy

June 19, 2007.

NASSER MOAZZAMI
SUPERVISORY PATENT EXAMINER
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6/25/07